

**Notice of Allowability**

Application No.

09/811,743

Examiner

Jefferey F. Harold

Applicant(s)

BUSARDO, PHILIP J.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 17 February 2004.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 12 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. **Claims 1-25** are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding **claim 1**, Guercio et al. (United States Patent 6,373,925), hereinafter referenced as Guercio discloses a telephone calling party announcement system and method. In addition, Guercio discloses a process to provide for caller identification using telephony ring signals consisting of: receiving a telephone number of an expected caller; receiving identification of an audio file to play as the telephony ring signal at a telephone device for an incoming call originating from the expected caller; creating indicia associating the telephone number of the expected caller with the audio file; and sending the indicia associating the telephone number of the expected caller with the audio file to the telephony device, wherein the telephony device will play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller, however the prior art of record failed to disclose receiving a telephone number of an expected caller at an application server in a communications network and sending the indicia associating the telephone number of the expected caller with the audio file from the application server to the telephone device.

Regarding **claim 12**, Guercio discloses a process to provide for caller identification using telephony ring signals consisting of: identifying a telephone number for an originator of an incoming call; selecting an audio file based on the telephone number; and effecting playback of the audio file as the telephony ring signal for the

incoming call, however, the prior art of record failed to disclose identifying at an application server within the communication network a telephone number for an originator of an incoming call.

Regarding **claim 19**, the Guercio discloses a system to provide for caller identification using telephony ring signals consisting of: a network interface; a control system associated with the network interface and adapted to: receive a telephone number of an expected caller; receive identification of an audio file to play as the telephony ring signal at a telephony device for an incoming call originating from the expected caller; create indicia associating the telephone number of the expected caller with the audio file; and send the indicia associating the telephone number of the expected caller with the audio file to the telephony device via the network interface; wherein the telephony device will play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller, however, the prior art of record failed to disclose or fairly suggest a system consisting of an application server remotely positioned from a telephony device.

Regarding **claim 20**, Guercio discloses a system to provide for caller identification using telephony ring signals consisting of: a network interface and a control system adapted to: identifying a telephone number for an originator of an incoming call; select an audio file based on the telephone number; and effect playback of the audio file as the telephony ring signal for the incoming call, however, the prior art of record failed to disclose a system comprising a packet-switched network and an application server positioned within a packet-switched network.

Regarding **claim 23**, Guercio discloses a computer readable medium having software to provide for caller identification using telephony ring signals, the software consisting of instructions to: receive a telephone number of an expected caller; receive information of an audio file to play as the telephony ring signal at a telephony device for an incoming call originating from the expected caller; create indicia associating the telephone number of the expected caller with the audio file; and send the indicia associating the telephone number of the expected caller with the audio file to a telephony device; wherein the telephony device will play the audio file as the telephony ring signal upon receiving an incoming call from the expected caller, however, the prior art of record failed to disclose or fairly suggest receiving a telephone number of an expected caller at an application server in a communication network and create indicia within the application server.

Regarding **claim 24**, Guercio discloses a computer readable medium having software to provide for caller identification using telephony ring signals, the software consisting of instructions to: identify a telephone number for an originator of an incoming call; select an audio file based on the telephone number; and effect playback of to audio file as the telephony ring signal for the incoming call, however, the prior art of record failed to disclose or fairly suggest software consisting of instructions to identify at an application server within a communication network a telephone number for an originator of an incoming call.

Regarding **claim 25**, Guercio discloses a system to provide for caller identification using telephony ring signals comprising: means for identifying a telephone

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number for an originator of an incoming call; means for selecting an audio file based on the telephone number; and means for effecting playback of the audio file as the telephony ring signal for the incoming call, however, the prior art of record fails to disclose or fairly suggest a system consisting of means for identifying a telephone number for an originator of an incoming call at an application server a communications network.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 9:30am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH

February 25, 2004